GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3733
ANSWERED ON:16.05.2006
AMENDEMENT IN SECTION OF IPC
Patil Shri Balasaheb Vikhe;Rawat Shri Kamla Prasad

Will the Minister of HOME AFFAIRS be pleased to state:

(a): whether the Additional Solicitor General has submitted before the Supreme Court that the Section 377 of IPC dealing with unnatural sex is required to be examined in view of the changed social scenario;

(b): if so, the reaction of the Government thereon;

(c): whether the Government proposes to bring suitable amendments in Section 377 of IPC; and

(d): if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY)

(a) to (d): The Naz Foundation, a non-governmental organization filed a Special Leave Petition No.7217-7218 of 2005 before the Supreme Court against the verdict of Delhi High Court on their Writ Petition, challenging the constitutional validity of Section 377 of IPC. In a Counter Affidavit filed before the Supreme Court on behalf of the Union of India in the matter, the Supreme Court was, inter alia, informed about the recommendations of the Law Commission of India in its 172nd Report on ` Review of Rape Laws`, recommending changes for widening scope of the offence in Section 375 IPC by replacing `rape` `sexual assault` and to make it gender neutral. In the light of the changes recommended by the Law Commission in Section 375 to 376E of IPC, they opined that Section 377 of IPC deserves to be deleted.

Implementation of the recommendations of the Law Commission in its aforesaid Report is subject to the Government taking a final view based on the comments of the State Governments and other stakeholders, introduction and passing of an amendment Bill in Parliament for which no time-frame can be fixed.